

CITY OF SAN BRUNO



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STAFF

Terry Jackson, *Interim Community Development Director*
Gary Binger, *Interim Planning Director*
Aaron Akin, AICP, *Planning Manager*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Beilin Yu, *Associate Planner*
Lisa Costa-Sanders, *Contract Planner*
Adam Finestone, *Recording Secretary*
Pamela Thompson, *City Attorney*

PLANNING COMMISSIONERS

Joe Sammut, *Chair*
Sujendra Mishra, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Kevin Chase
Rick Biasotti
Perry Petersen

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

August 2, 2005

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:02 pm

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Sammut	X	
Vice Chair Mishra	X	
Commissioner Johnson	X	
Commissioner Marshall		X
Commissioner Chase	X	
Commissioner Biasotti	X	
Commissioner Petersen		X

STAFF PRESENT:

Planning Division: Planning Manager: Aaron Akin
Housing and Redevelopment Manager: Mark Sullivan
Associate Planner: Beilin Yu
Interim Department Secretary: Adam Finestone

City Attorney: Pamela Thompson

Police Department: Noreen Hanlon, Police Lieutenant

Pledge of Allegiance Commissioner Johnson

1. Approval of Minutes – July 19, 2005

Due to the length and nature of the July 19th Planning Commission meeting, minutes are not yet available. They will be available for review and approval at the August 16, 2005 Planning Commission meeting.

2. Communication

None at this time.

3. Public Comment

None at this time.

4. 3890 Claremont

Request for a Conditional Use Permit to allow the construction of main and lower level addition which proposes to exceed the Floor Area Ratio of .55 per Section 12.200.030(B)(2) and exceeds 2,800 with a two car garage per Section 12.200.080(A)(3) of the San Bruno Zoning Ordinance – Romeo and Gloria Villanueva (Applicant/Owner) **UP-05-38**

Associate Planner Yu entered staff report.

Staff recommends approval of Use Permit 05-38 based on Findings for Approval 1-8 and Conditions for Approval 1-11.

Romeo Villanueva, the owner, briefly described his project. He explained that he is proposing to expand his house in order to accommodate visiting family

Commissioner Johnson asked the owner if he has discussed his project with his neighbors, and if he is aware of and in agreement with the Conditions for Approval being placed on this project. The owner answered in the affirmative to both questions.

Commissioner Johnson asked the applicant about the brick structure in the rear and the foundation toward the right side of the building. The applicant stated that the foundation was built as a permanent retaining wall, and did not require a permit since it is less than 4 feet tall. He stated that the brick structure is a dog kennel. Commissioner Johnson asked him if both the kennel and the foundation were going to remain, and the owner answered in the affirmative.

Public comment opened.

Public comment closed.

Motion to approve Use Permit 05-38 subject to Findings of Fact 1-8 and conditions of approval 1-11.

Johnson/Biasotti

VOTE: 4-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, July 22, 2005, and legal notice published in the San Mateo Times, Saturday, July 23, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
8. The off-street parking is adequate for the residence.

CONDITIONS OF APPROVAL

Community Development Department

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-38 shall not be valid for any purpose. Use Permit 05-38 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on August 2, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence and garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Department of Public Works

8. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
9. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01.

10. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
11. Remove un-permitted undersidewalk curb drain, bubble-up or other over sidewalk drainage. Replace with City standard undersidewalk curb drain, detail S1-03.

Chair Sammut advised of 10-day appeal period.

5. 1790 Willow Way

Request for a Conditional Use Permit to allow the construction of a first and second floor addition which proposes to increase the gross floor area by more than 50%, and a Minor Modification to allow a 1' encroachment into the exterior side-yard setback, per sections 12.200.030.B.1 and 12.120.010.B of the San Bruno Zoning Ordinance – Masami & Kazuko Mito (Owners), Tommy Kwan (Applicant/Architect) – **UP-05-40, MM-05-15**

Planning Technician Finestone entered staff report.

Staff recommends approval of UP 05-40 and MM 05-15 based on Findings for Approval 1-9 and Conditions for Approval 1-14.

Tommy Kwan, the architect/applicant for the project, described his client's desires to expand the house. He also described the changes that had been made since the Architectural Review Committee meeting. He mentioned that it may be required to install two support posts below the overhanging roof-eave on the left elevation depending on structural considerations.

Chair Sammut asked for, and the architect provided, color samples as requested by the Architectural Review Committee. He also asked if the applicant had read and was in agreement with the Conditions of Approval. The applicant answered in the affirmative.

Commissioner Johnson asked the applicant if he was going to do anything with the fence on the right side of his property. The applicant stated that the fence with the extended transparent material was the neighbor's fence, not his clients, and therefore they could not do anything to it. He stated that there are currently two fences, one belonging to each property owner.

Public comment opened.

Public comment closed.

Commissioner Johnson asked staff if the changes to the left façade, along Carmel Drive, were sufficient to address the concerns of a massive, bulky elevation. Planning Manager Aknin answered in the affirmative.

Motion to approve Use Permit 05-40 and MM 05-15 subject to Findings of Fact 1-9 and Conditions of Approval 1-14

Johnson/Mishra

VOTE: 4-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Thursday, July 21, 2005, and legal notice published in the San Mateo Times on Saturday, July 23, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed residence is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood.
6. The proposed residence will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new residence is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
8. The off-street parking is adequate for the proposed residence.
9. The new windows proposed along the side elevations are designed to minimize the privacy impacts on the adjacent neighbors, and therefore the approval of the

use permit and minor modification will not be detrimental to the adjacent real property.

CONDITIONS OF APPROVAL

Community Development Department

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-40 and Minor Modification 05-15 shall not be valid for any purpose. Use Permit 05-40 and Minor Modification 05-15 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been applied for prior to the one (1) year date.
2. The signed copy of the summary of hearing shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Minor Modification for an addition shall be built according to plans approved by the Planning Commission on August 2, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The windows on the existing bedrooms shall be modified to comply with current egress requirements.

Department of Public Works

8. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
9. All broken and/or raised concrete in the sidewalk and/or driveway approach shall be replaced as marked by the City of San Bruno Department of Public Works

10. The applicant shall plant 1 36" box size tree or submit payment to the tree fund for installation of said tree per San Bruno Municipal Code section 8.24.060.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. No fence, retaining wall or other permanent structure shall be placed within 4' 6" from back of the sidewalk.

Fire Department

13. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
14. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Sammut advised of 10-day appeal period.

6. 1631 Claremont

Request for a Conditional Use Permit to allow the construction of a first story addition which cumulatively with additions approved in the past, proposes to increase the existing floor area by more than 50%, exceeds the .55 Floor Area Ratio guideline, and the 44% Lot Coverage guideline, and a Minor Modification to encroach 2'-0" into the required 5'-0" side yard setback per Sections 12.200.030.B.1 and 12.200.080.A.3 of the San Bruno Zoning Ordinance. Jose and Maria Tovar (Applicant/Owner) UP-05-42; MM-05-11

Commissioner Chase arrived at 7:21pm.

Planning Manager Aknin gave a project update and stated that staff is recommending a continuation of this project in order to address concerns regarding the existing building permit, figures on the project plans, and concerns from the adjacent property owner.

The applicant was not present to speak in support of his/her project.

Public comment opened and continued to a future date.

Motion to continue Use Permit 05-42 and Minor Modification 05-11 to a future Planning Commission meeting.

Biasotti/Johnson

VOTE: 5-0
AYES: All Commissioners present.
NOES:

ABSTAIN:

Chair Sammut asked if there was a date set for this item to be reheard. Planning Manager Akinin stated that it would most likely be reheard at the first Planning Commission meeting in September.

7. **418 San Mateo Ave.**

Request Conditional Use Permit to allow the conversion of an existing bar to a karaoke facility with semi private rooms, per Chapters 12.84.210 and 12.96.120(C) of the San Bruno Zoning Ordinance. – Vincent Lam (Owner/ Applicant) **UP-05-43**

Associate Planner Yu entered staff report.

Staff recommends approval of Use Permit 05-43 based on Findings for Approval 1-8 and Conditions of Approval 1-36.

Vincent Lam, the applicant, had his engineer, Tony Fong, speak on behalf of the project. He stated that he designed the project to be soundproofed. He also explained his understanding of the reasons for placing windows in each karaoke room. He stated that there will be no singing outside (to the rear of) the property.

Commissioner Johnson asked about the difference between open vs. private rooms for karaoke. The applicant stated that the reasons for private rooms are that different people may like different songs, and that some people are only comfortable singing in front of their friends.

Commissioner Johnson asked what the capacity of each room was. The applicant stated that at the most it would be 5 or 6 people. She also asked the applicant if the windows looking into the karaoke rooms would be completely transparent so as to allow for complete visibility at all times. The applicant stated that the windows would allow complete visibility into the rooms at all times.

Commissioner Johnson asked the applicant if there would be karaoke anywhere else in the establishment other than the private rooms. The applicant said there would be, and it would likely be staged at the bar area. Commissioner Johnson also asked if a member of the public would be allowed to go into one of the private rooms, or if they were limited to just the party that was in there. She asked if the rooms were rented, reserved, etc. The applicant explained that the rooms will be assigned in the same way tables are in restaurants. Once a party is in a room, it is then closed to the public. Commissioner Johnson asked if there would be a fee to reserve the rooms. The applicant stated that there would not be a fee, just the charge for the drinks.

Commissioner Biasotti asked the applicant to describe the design of windows and doors for the private rooms. The applicant stated that the doors would be half glass, and there would be no screens, blinds, etc. on any windows or doors.

Chair Sammut asked if the interior doors would be solid-core doors. The applicant answered in the affirmative. Chair Sammut also asked the applicant what type of soundproofing materials he would be using between rooms. The applicant stated that the studs would not touch each other, and that sound deadening boards would be placed in the walls.

Chair Sammut asked the applicant if he would be using wireless or wired microphones. The applicant stated that he would use wired microphones.

Chair Sammut then addressed a few concerns to Staff. He asked why there needs to be an exterior door in the back singing room. Associate Planner Yu stated that this door is existing. She stated that this door can be conditioned to be removed if the commission desires. Chair Sammut stated that he believed placing a solid wall in this room instead of a door would be advantageous to prevent people from going into the rear parking lot. He stated that the window in singing room # 1 does not appear to meet the 4' x 4' requirement as dictated by the conditions for approval. Planning Manager Akinin stated that the room would not be used as a singing room unless they could provide the window as required.

Chair Sammut asked the applicant if the interior doors would be handicap accessible. The applicant stated that they would be 36" wide doors, and as such will be handicap accessible.

Commissioner Mishra stated that he would only condition the rear singing room to be closed off if it meets the accessible fire and building codes. He stated that at a capacity of 60 people, the additional door through the rear singing room may be necessary. Chair Sammut agreed with this revision to the proposed condition.

Commissioner Chase asked if the interior doors would have locks. The applicant stated that there would be no locks.

Commissioner Johnson followed up on the issue of locks on interior doors. She wanted to make sure that they would not have the ability to be locked. The applicant stated that this would be the case.

Commissioner Johnson asked staff if there would be a possibility to have windows between the singing rooms. Planning Manager Akinin stated that the current conditions being considered only require one window per room facing the hallway. He stated that he does not see a security-related reason for this condition and would not recommend it himself, but that if the applicant were in agreement it could be added by the Commission.

Chair Sammut asked what the capacity of the establishment would be. The applicant stated that he does not believe the occupancy load will approach the allowable capacity of 60 persons. He stated that the capacity will be less than 49 persons.

Commissioner Johnson asked staff about the occupancy of the individual singing rooms. She also stated that her understanding of the maximum occupancy is that it is

based on areas open to the public. Planning Manager Akin stated that the Fire Marshall would recommend the occupancy requirements for each individual room as well as the establishment as a whole.

Commissioner Johnson addressed the layout of each room. She asked the applicant if there would be benches, couches, chairs, etc. The applicant stated that each room would have a television screen and karaoke machine at the front, and the people would sit opposite of that screen. He stated that there will likely be sofas or benches facing the screen, with a table in front for the karaoke machine to be placed on. Commissioner Johnson asked if the furniture in the room would be fixed or movable. The applicant stated that it would not be fixed in place.

Chair Sammut addressed the need for occupancy signs in each individual room. He stated that Condition for Approval #26 discusses the need for occupancy signs, but does not address whether they will be required in each room. He asked if the condition could be amended to require occupancy signs in each room. Planning Manager Akin answered in the affirmative.

Public Comment Open

Becky Carria, Mastick, asked if the TV screens might be blocking the windows. Planning Manager Akin stated that nothing can be obstructing the windows.

Gabby Carter, 433 Mastick, wanted to make sure there will be no public entrance and/or exit from the back of the building. Chair Sammut stated that the Conditions for Approval did not allow for use of this rear door.

Chair Sammut asked if a parking exception was required for this project. Planning Manager Akin stated that since the previous use of this property was a bar, no parking exception is required.

Public comment closed.

Commissioner Johnson asked who owned the property adjacent to the property (at 416 San Mateo Ave). Planning Manager Akin stated that 416 San Mateo Ave. is a separate property and is not part of this application.

Commissioner Chase asked about Condition for Approval #13 regarding access to the property by the rear door. He wanted to verify that the door could still be used in case of an emergency. He recommended revising the comment to include "in case of emergency"

Commissioner Mishra asked where smokers are supposed to go since they are not allowed to go out back, and cannot loiter in front. Planning Manager Akin stated that they would be allowed to smoke in front of the bar, but could not loiter there for longer than it takes to smoke their cigarette.

Commissioner Johnson stated that the term “emergency” is vague, and would like to remove that language from Condition for Approval #13. She stated that in an emergency such as a fire, it is obvious that people will use any means necessary to exit the building.

Commissioner Chase voiced his disagreement with Commissioner Johnson’s desire to omit the language from Condition for Approval #13 regarding emergencies. He asked for staff’s input on this issue. Planning Manager Akin stated that a condition could be added to require that the rear door be kept unobstructed in case of an emergency. This would require that the door not be blocked off, but not be used for normal business activities. Commissioners Chase and Johnson agreed with this condition.

Biasotti asked if there would be any changes to the façade other than signage. Planning Manager Akin stated that there would not.

Commissioner Mishra asked if the exterior colors would remain the same. Planning Manager Akin stated that at this time there is no plan to change the exterior, but if there was in the future, it would be referred to the Architectural Review Committee.

Motion to approve Use Permit 05-43 subject to Findings of Fact 1-8 and Conditions of Approval 1-36 plus Planning Commission Conditions 37 & 38 and clarification of Condition of Approval #13.

Chase/Biasotti

Commissioner Johnson wanted to clarify that there would be occupancy signs in each room, and that all interior windows will be unobstructed at all times. Planning Manager Akin answered in the affirmative to both of these questions. Commissioner Johnson also asked the motion maker if he would consider adding a condition to require windows between the rooms. This was added as Condition of Approval #39.

VOTE: 4-0-1
AYES: Chase, Biasotti, Mishra, Sammut
NOES:
ABSTAIN: Johnson

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday July 22, 2005, and legal notice published in the San Mateo Times, Saturday, July 23, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City’s provision for an administrative appeal of the Planning Commission’s final action

to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Interior alteration to an existing facility.
5. The proposal will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
6. The proposal will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
7. The proposal is consistent with the San Bruno General Plan, which designates the property for commercial purposes.
8. The proposed will comply with the performance standards SBMC 12.84.210 (attached as Exhibit "E") for the following reasons:
 - The proposed use of the property as a karaoke bar with alcoholic beverage sales is compatible with surrounding uses, which include restaurants, bars, retail stores, offices and other similar uses.
 - The proposed use will not jeopardize, endanger or result in adverse effects to the health, peace and safety of persons residing or working in the surrounding area since the Police Department has thoroughly reviewed this application and has required several conditions of approval. These conditions of approval further help to mitigate any possible impacts.
 - The activity will not result in repeated nuisance activities or police intervention within the premises or in close proximity of the premises since a condition has been added to allow the Community Development Director the ability to call this application back to the Planning Commission for review, if he/she finds that the use is negatively impacting the surrounding neighborhood. Therefore, if any unforeseen impacts occur, the use can be further reviewed.
 - By obtaining this Use Permit, and subsequently obtaining approval from the Department of Alcohol and Beverage Control the applicant will be compliance with local and state regulations. As required by the local and state law, the City will issue a "need and necessity" letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.
 - A condition of approval requires all activity to occur indoors and that the applicant soundproof facility so that noise generated inside the premises is not audible from any adjacent property or the public right of way, therefore there will be an insignificant increase in noise for surrounding neighborhood.

- A condition of approval requires that all patrons use the front door as the primary means of access, therefore pedestrian activity will occur on San Mateo Avenue and not on the residential street behind.
- The upkeep and operating characteristics of the use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and surrounding neighborhood as a condition of approval requires that the applicant keep all areas in the front and rear of the business and public sidewalk clean of any litter or debris and that no activity occur outside in the rear of the business to minimize impact on the adjacent residential neighbors.

CONDITIONS OF APPROVAL

Community Development

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-43 shall not be valid for any purpose. Use Permit 05-43 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for the Use Permit for a karaoke facility shall be conducted according to the plans accompanying this report and approved by the Planning Commission, except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The applicant and any successor in interest, shall agree to operate the restaurant at 418 San Mateo Avenue in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.

7. All signs shall be reviewed and approved by the Planning Department in accordance with the Sign Regulations of the San Bruno Zoning Ordinance.
8. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids.
9. The property owner shall comply with the requirements of the San Bruno Recycling Ordinance.
10. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
11. The applicant shall comply with all Alcohol and Beverage Control requirements.
12. Applicant shall comply with all aspects of San Bruno Ordinance 1685.
13. All patrons shall utilize the front door to enter the business. Patrons of the business shall not use the rear door adjacent to the residential neighborhood. The rear door shall remain unobstructed in case of an emergency.
14. All business activities, including singing and drinking, shall occur indoors.
15. The Community Development Director may call this back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.
16. The front door/storefront shall meet the American Disability Association's requirements, such as landing and strike.
17. If the occupancy load is greater than 50, then the front door shall open toward the outside. Indicate occupancy load and submit a front elevation in the Building and Safety set of plans.
18. The minimum egress distance between the back of the barstools and the wall shall be 36". Show location of barstools in the Building and Safety set of plans.

Fire Department

19. All conditions of approval by the Fire Department shall be addressed during Building and Safety plan check process.

Public Works Department

20. Install backflow devices for domestic lines. Show size, locations and details of service lines on plans.

Police Department

21. The applicant must obtain an entertainment permit through the City of San Bruno.
22. Each karaoke room must have a wall window, with a minimum dimension of 4' X 4', situated approximately 4' from the floor. The window must provide clear vision into the room and no curtains or other obstructions can cover the window. The window is provided to deter any type of criminal activity that may occur in the room. The door into each karaoke room cannot have any type of locking device and the door must be able to open at any time. The karaoke rooms must provide minimum lighting where all areas of the room and patrons can be seen at all times.
23. One Uniformed Bonded Licensed Security Officer will be on the premises from 6:00 pm to closing time. The security officer will not be armed with a firearm. The security officer will not permit patrons to loiter in the front or rear of the business.
24. The applicant shall install a Closed Circuit Video Surveillance System that is capable of recording and saving images. A video camera shall be installed in the front and rear of the business and must be able to capture a clear picture of anyone entering or leaving the premises from either entrance. The front video camera should cover the front of the business, sidewalk area and part of the street (San Mateo Avenue).
25. An age restriction of 21 years old and over shall be posted at the entrance to the business. The sign must be readily visible.
26. Maximum occupancy signs shall be posted at the entrance as well as inside the business.
27. The premises within which the entertainment business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building and comply with all applicable City noise regulation.
28. No entertainment shall be permitted in any establishment between the hours of 1:30 am and 10:00 am.
29. All patrons must be out of the building by 2:00 am.
30. The applicant must keep all areas in the front and rear of the business and public sidewalk clean of any liter or debris.
31. Address numbers are to be at least 8" high on a contrasting background, easily visible from the street. The address number also must be visible at night.

32. Adequate lighting of grounds contiguous to the building shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons and property on site.
33. The applicant must obtain an Alcohol and Beverage Control license to sell alcohol on the premises and comply with all their rules and regulations.
34. The applicant shall install an off site monitored burglary and robbery alarm system.
35. Non glass exterior doors (wood or metal) shall be a minimum of 1 ¾" thick and if wood shall be solid core. All exterior doors shall have a dead bolt locking system with a bolt throw of at least 1".
36. Any sliding glass doors and windows must have lift out resisting hardware and secondary locks.

Planning Commission Conditions

37. The exterior door in the rear singing room shall be replaced with a solid wall unless it is deemed necessary for egress purposes by the Fire Marshall.
38. The Fire Marshall shall determine the occupancy loads for each individual singing room, and that load shall be posted above the door of each room.
39. Windows with minimum 4' by 4' dimensions shall be installed between adjacent singing rooms.

Chair Sammut advised of 10-day appeal period.

8. 519 San Mateo Ave.

Commissioner Mishra recused himself because he believes he lives within 500 feet of the subject property.

Request for a Use Permit for a specialty restaurant with onsite alcoholic beverage consumption (beer and wine) in the Central Business District (C-B-D) per Chapter 12.84 & 12.96.020 of the San Bruno Municipal Code. – Nelson Saufley (Owner), Gisel Padilla (Applicant) **UP-05-46**

Planning Manager Aknin entered staff report.

Staff recommends approval of Use Permit 05-46 based on Findings for Approval 1-8 and Conditions for Approval 1-24.

Chair Sammut stated that a condition for approval requires that all activity occur indoors. However, this contradicts what Planning Manager Akin stated in his report. Planning Manager Akin corrected his oral report to state that the seating will surround the counter, and not be outdoors. He stated that there is no area for outdoor seating.

Gisel Padilla and Eva Padilla, the applicants, briefly described their reasons for requesting alcohol sales.

Chair Sammut asked what the menu would be. The applicant stated that at lunch time they will offer soups, salads and sandwiches, and in the evenings they will serve appetizers and deserts. She stated that the entire menu will have a Latin-American flavor.

Public hearing open

Public hearing closed

Motion to approve Use Permit 05-46 subject to Findings of Fact 1-8 and Conditions of Approval 1-24

Johnson/Chase

VOTE: 4-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, July 22, 2005, and legal notice published in the San Mateo Times, Saturday, July 23, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorical Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Interior alteration to an existing facility.

5. The proposal will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
6. The proposal will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
7. The proposal is consistent with the San Bruno General Plan, which designates the property for commercial purposes.
8. The proposed use will comply with the performance standards set forth in SBMC 12.84.210 (attached as Exhibit "C") for the following reasons.
 - The proposed use of the property as a "specialty restaurant" with beer and wine sales is compatible with surrounding uses, which include restaurants, bars, retail stores, offices and other similar uses.
 - The activity will not jeopardize, endanger or result in adverse effects to the health, peace or safety or persons residing or working in the surrounding area as the Police Department has thoroughly reviewed this application and has required several conditions of approval. These conditions of approval further help to mitigate any possible impacts.
 - The Community Development Director has the ability to call this application back to the Planning Commission for review, if he/she finds that the use is negatively impacting the surrounding neighborhood. Therefore, if any unforeseen impacts occur, the use can be further reviewed.
 - By obtaining this Use Permit, and subsequently obtaining approval from the Department of Alcohol and Beverage Control the applicant will be compliance with local and state regulations. As required by the local and state law, the City will issue a "need and necessity" letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.
 - A condition of approval requires all activity to occur indoors; therefore there will be an insignificant increase in noise for surrounding neighborhood.
 - A condition of approval requires that all patrons use the front door as the primary means of access, therefore pedestrian activity will occur on San Mateo Avenue and not on the residential street behind.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 05-46 shall not be valid for any purpose. Use

Permit 05-46 shall expire one (1) year from the date of approval unless the plan is executed.

2. The restaurant use shall be conducted according to the plans accompanying this report and approved by the Planning Commission, except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.
3. The applicant and any successor in interest, shall agree to operate the restaurant at 519 San Mateo Avenue in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
4. All signs shall be reviewed and approved by the Planning Department in accordance with the Sign Regulations of the San Bruno Zoning Ordinance.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
6. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front and rear of the building.
7. The permitted hours of operation of the restaurant shall be as follows:
Monday-Thursday: 11:00 A.M. – 10:00 P.M.
Friday – Saturday: 11:00 A.M. – 12:00 A.M.
Sunday: 11:00 A.M. – 10:00 P.M.
8. Any changes from the hours of operation shall require prior authorization of the Community Development Director.
9. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
10. The applicant shall comply with all Alcohol and Beverage Control requirements.
11. Applicant shall comply with all aspects of San Bruno Municipal Code 12.84.210.
12. The applicant shall meet all San Mateo County Health Department requirements regarding the creation and operation of a restaurant.
13. All patrons shall utilize the front door to enter the business. Patrons of the business shall not use the rear door adjacent to the residential neighborhood.
14. All business activities, including eating and drinking, shall occur indoors.

15. The Community Development Director may call this back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.

FIRE DEPARTMENT CONDITIONS

16. Applicant shall apply for an assembly permit through the Fire Department for A-3 occupancy.
17. Provide emergency lighting and exit pathway in assembly and dining area.
18. Provide illuminated exit signs.

PUBLIC WORKS DEPARTMENT CONDITIONS

19. Install backflow devices for domestic, irrigation, and fire lines. Show size, locations and details of service lines on plans.

POLICE DEPARTMENT CONDITIONS

20. Loitering in or about the premises is prohibited.
21. All violations of the law, or threatened violations of the law shall be immediately reported to the San Bruno Police Department and full cooperation by employees and management shall be given.
22. Any request by anyone in the establishment for an employee to contact the Police shall be immediately honored, without question.
23. Labor Code section 6404.5 regulating smoking shall be enforced at all times.
24. Management shall post all Police Department conditions of approval under load occupancy sign.

Chair Sammut advised of 10-day appeal period.

Commissioner Mishra returned to the room.

9. City Staff Discussion

Selection of August 11, 2005 Architectural Review Committee members: Biasotti, Mishra, Chase.

Planning Manager Aknin announced that Planning Technician/Department Secretary Finestone will be leaving to take a new position as an Assistant Planner in the San Diego area. He thanked Planning Technician Finestone for his work over the past year. The Commission thanked and congratulated Planning Technician Finestone. Chair

Sammut asked when Planning Technician Finestone would be leaving, and Planning Manager Aknin stated that he would be leaving in about two weeks.

11. Planning Commission Discussion

12. Adjournment

Terry Jackson

Interim Secretary to the Planning
Commission
City of San Bruno

Joe Sammut, Chair

Planning Commission
City of San Bruno

NEXT MEETING: August 16, 2005

TJ/af

Meeting was adjourned at 8:02 pm